



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 3003-99  
10 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy at age 17. The record shows that during the period from 10 August 1955 to 12 December 1956 you received nonjudicial punishment on six occasions and were convicted by two summary courts-martial. Your offenses were two periods of unauthorized absence totaling about two days, four instances of disobedience, making a false statement, unauthorized possession of property belonging to another and a uniform violation. In addition, you were convicted by civil authorities of disorderly conduct.

Based on the foregoing record of misconduct you were processed for an administrative discharge. At that time you made a statement asking for another chance to succeed in the Navy. On 9 January 1957 the discharge authority approved the recommendation of your commanding officer that you be discharged for unfitness with an undesirable discharge. On 11 January 1957 you received your seventh nonjudicial punishment for an unauthorized absence of about three hours. The undesirable discharge was issued on 18 January 1957.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth, limited education, and the documentation you submitted showing that you have been a good citizen for the last decade. The Board also considered your contention, in effect, that you could not adjust to the Navy because of racial discrimination. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct. In reaching its decision, the Board considered a report from the Federal Bureau of Investigation which shows convictions for drunk driving and disorderly conduct. The last conviction was reported on 4 December 1980. There is no evidence in the record, and you have submitted none, to show that racial discrimination was a factor in your case. However, the Board noted that in the military you are required to be at work and obey orders. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director